

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG**

**MARIA AUSTIN,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 3:04CV56  
(BROADWATER)**

**JO ANNE B. BARNHART,  
Commissioner, Social Security  
Administration,**

**Defendant.**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated May 31, 2005. The petitioner did not file objections to the Report. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby ORDERED adopted.

The Court, therefore, ORDERS that this action be DISMISSED based on the reasons set forth in the Magistrate Judge's Report and Recommendation, and STRICKEN from the active docket of this Court.

It is so ORDERED.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

**DATED** this 21<sup>ST</sup> day of November 2005.

  
**W. CRAIG BROADWATER**  
**UNITED STATES DISTRICT JUDGE**